

**REMARKS**

Claim 1 has been amended. Support for this amendment can be found, for example, on page 5, lines 1-3 of Applicants' specification.

Although this Amendment is submitted after a final Office Action dated July 11, 2006, the Amendment should be entered as it reduces the issues for appeal (MPEP 714.12 and 714.13) as it overcomes the obviousness-double patenting rejection and does not raise new issues since the amended claims recite a range more narrow than the original range and places the application in condition for allowance.

Upon entry of the Amendment, claims 1-9 and 12-14 will be pending.

Claims 1-9 and 12-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over Drumm et al., DE 10035679 A1 ("Drumm").

The Examiner asserts that Drumm discloses a method of making corundum (i.e.,  $\alpha$ - $\text{Al}_2\text{O}_3$ ) powders by hydrolyzing a raw material in the presence of seeds at a pH of 4.8, removing of water from the hydrolyzate by freeze drying, and calcining the resultant product (see, for example, paragraphs [0023] and [0025]).

The Examiner acknowledges that Drumm does not disclose an example in which hydrolysis occurs at less than 60°C and thus fails to disclose a range of hydrolysis temperatures that is sufficiently specific to anticipate the temperature range of claim 1. However, the Examiner asserts that Drumm discloses hydrolyzing at a temperature of 50°C-100°C (see, for example, page 1, paragraph [0012]). The Examiner asserts that this range overlaps the presently

claimed range and that overlapping ranges have been held to establish a *prima facie* case of obviousness. See MPEP 2144.05.

Claim 1 of the present invention has been amended to recite:

A method for producing an  $\alpha$ -alumina particulate comprising steps of (Ia) and (Ib):

(Ia) removing water from a mixture containing water, a seed crystal and a hydrolysate obtained by hydrolysis of an aluminum compound under conditions of a pH of 5 or less and a temperature of 35°C or less,

(Ib) calcining the resulted powder (emphasis added).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

As discussed above, Drumm discloses hydrolyzing at a temperature of 50-100°C (see page 1, paragraph [0012]). Applicants' claim hydrolysis of an aluminum compound under conditions of a pH of 5 or less and a temperature of 35°C or less, which is completely outside the scope of the temperature for hydrolysis disclosed in Drumm. Accordingly, Applicants submit that Drumm does not anticipate or render obvious the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-9 and 12-14 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-8 of co-pending Application No. 11/148,602, which published as U.S. 2005/0276745.

While Applicants respectfully submit that the present invention is not obvious over claims 1-8 of co-pending Application No. 11/148,602, Applicants are submitting herewith a terminal disclaimer to obviate the obviousness-type double patenting rejection over claims 1-8 of

U.S. Appln. U.S. No.: 10/785,083  
Amendment under 37 C.F.R. § 1.116

U.S. Application No. 11/148,602. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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